



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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August 20, 2003

**CERTIFIED MAIL
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RETURN RECEIPT REQUESTED**

NOTICE OF PAST VIOLATION

Sprague
2 International Drive, Suite 200
Portsmouth, NH 03801-6809

Jeff Ciampa, Manager, Safety, Training & Environmental Compliance

**Sprague, Avery Lane Facility
Newington, New Hampshire
EPA ID No. NHD066754722**

Dear Mr. Ciampa

On February 19, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of the Sprague's Avery Lane facility. The purpose of the inspection was to determine Sprague's compliance status with RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 - Failure to Conduct Hazardous Waste Determinations

At the time of the inspection, Sprague had not performed site-specific waste determinations for the following facility wastes:

- A. "Waste gasoline debris" stored in the dumpster next to the gasoline loading rack;
- B. One 55-gallon container of "waste oil" stored inside the boiler house; and

Three (3) 55-gallon containers of "asphalt additive" stored inside the old boiler house.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Sprague test representative samples of the waste gasoline debris, the waste oil and the asphalt additive for the characteristic of ignitability and toxicity as defined in Env-Wm 403.03 and Env-Wm 403.06, respectively.

On April 28, 2003, Mr. Jeff Ciampa submitted the results of the requested hazardous waste determinations to DES. No further action is required.

Env-Wm 509.02(a)(5) – Contingency Plan Deficiencies

A review of Sprague's contingency plan revealed deficiencies regarding the 15-day report information, and post implementation procedures.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Sprague revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator Inspection Report.

On July 24, 2003, Mr. Jeff Ciampa submitted a complete contingency plan to DES. No further action is required.

3. Env-Wm 509.03(d) – Satellite Storage Provision – Outside Storage

During the inspection of the facility's loading rack area, one (1) satellite accumulation container of hazardous waste gasoline was not covered to prevent precipitation from coming in contact with the top of the container.

Env-Wm 509.03(d), which references Env-Wm 507.01(e), requires generators to ensure that hazardous waste containers stored outside are covered to prevent precipitation from coming in contact with the top of the container.

DES requested that Sprague ensure that hazardous waste containers stored outside are covered to prevent precipitation from coming in contact with the top of the container.

In the April 28, 2003 submittal to DES, Mr. Jeff Ciampa stated that Sprague will prevent precipitation from coming in contact with the top of satellite containers stored at the loading rack area by placing satellite containers under the roof of the loading rack facility. No further action is required.

4. Env-Wm 509.03(h) – Satellite Storage Provision – Monthly Inspections

At the time of the inspection, Sprague was not performing monthly inspections of the Satellite accumulation area located at the gasoline loading rack.

Env-Wm 509.03(h) requires monthly inspections of satellite storage areas that have accumulated greater than 10 gallons of hazardous waste.

DES requested that Sprague institute an inspection plan for satellite accumulation areas that are used to store more than 10 gallons of hazardous waste.

In the April 28, 2003 submittal to DES, Mr. Jeff Ciampa stated that Sprague will ensure that the monthly inspections of all hazardous waste storage areas will take place. The inspection template and requirement are included in the facility contingency plan. No further action is required.

5 Env-Wm 510.02 – Manifest Distribution

At the time of the inspection, Sprague had on file two (2) hazardous waste manifests (State Manifest #: NYG2407374 and CTF1008964) dated March 2, 2001 and August 27, 2002 which had not been submitted to DES.

Env-Wm 510.02 (d) requires that the generator retain one (1) copy of the manifest, give five (5) copies to the transporter, and forward one (1) copy to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requested that Sprague properly retain and distribute manifest copies for future shipments of hazardous waste.

In the April 28, 2003 submittal to DES, Mr. Jeff Ciampa stated that Sprague has instituted management protocols to ensure the proper retention and distribution of hazardous waste manifests. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by Sprague to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during subsequent inspections of the facility.

Enclosed please find a completed copy of the Hazardous Waste Generator Inspection Report to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh/us/hwcs> or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this matter, please contact the lead inspector, Robert Bishop, Waste Management Specialist, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Marschner", is written over the word "COPY" which is printed in large, bold, black capital letters.

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/NOPV/Archive
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, DES Administrator, Legal Unit
Dayton Elliot, Plant Manager, Sprague, 126 River Rd., Newington, NH 03801

E mail: JJD, SD, SD, PM

Enclosure: Hazardous Waste Generator Inspection Report